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Application No. 10/066,631
Response dated September 27, 2005
Response to Office Action dated June 29, 2005

REMARKS

The Office Action of June 29, 2005 has been reviewed and the comments therein were carefully considered. Claims 1-32 are pending in the application. Claims 1-32 stand rejected. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Rejection Under 35 USC §102(e) - Laitinen

Claims 1-32 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,778,834 to Laitinen, et al. The Applicants respectfully traverse the rejection in view of the following remarks.

The Office Action alleges Laitinen discloses a method of transmitting an alert message from a first mobile wireless device to a second mobile wireless device. More specifically in regards to claims 1, 32 and their dependent claims, the Office Action believes Figure 5 and the corresponding disclosure set forth in Col. 5, lines 57-65 teach transmitting an alert message from a first mobile wireless device comprising a first media player to a second mobile wireless device comprising a second media player. Figure 5 and the corresponding written description, however, shows a content updating server 502 updating a DVB gateway 504 with content which forwards the content to a DVB base station 506. The only mobile wireless device disclosed in the cited text is the user terminal 510. Indeed, neither the content updating server, DVB gateway, or base station appear to provide a mobile device, nor do they have or comprise a first media player. Rather, the disclosed system is only capable of transmitting content to one or more user terminals.

For example, figures 3a-d show a "mobile terminal carried by a user walking through a shopping mall [that] is being subjected to many pushed messages from various businesses located in the shopping mall." Col. 3, lines 55-58. The only mobile terminal disclosed in the figures is mobile terminal 100 and moreover there is no suggestion that the devices pushing the messages from the various businesses are either mobile or comprise a first media player, rather they appear to be just transmission devices. Regarding the Examiner's interpretation that Figure 5 shows a

NOT AVAILABLE COPY

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second mobile device comprising a second media player (i.e. 512), the embodiment shown in the Figure is a separate embodiment of the invention wherein the disclosed mobile device 512 does not communicate with a second mobile terminal comprising a second media player, but rather as discussed in more detail above, shows a DVB base station transmitting content to the mobile device 512. The specification does not disclose, teach, or otherwise suggest the DVB station is mobile or comprises a secondary media player.

While the specification does mention the possibility of a plurality of mobile devices 512, to receive the transmissions from the DVB station, there is no disclosure, teaching, or suggestion of transmitting an alert message between the mobile devices. As readily seen, Laitinen does not disclose or suggest a method or a system capable of transmitting a tune alert message (whether digital or analog) from a first media player to a second media player that comprises a first mobile device having a first media player and second mobile device comprising a second media player. The Applicants therefore respectfully request withdrawal of the rejection in regards to claims 1, 32, and those directly or indirectly depending from them. Moreover, for at least the above reasons, claims 16 and 20, and 32 (and their dependent claims) are distinguishable over the cited art as Laitinen does not show each and every claimed element of the recited claims. Specifically, the Office Action states claims 20, 29, and 32 "are rejected for the reason given in the scope of claims 1, 8 and 16." (O.A. dated June 29, 2005, page 7). Claims 1 and 16 have been discussed above, and the rejections addressing claim 8 are discussed below.

Specifically, regarding claim 8, the Office Action asserts Laitinen shows a method of adjusting a configuration of a mobile wireless device to receive broadcast content, the mobile wireless device comprising a media player. More specifically, the Office Action states the step of receiving at the media player an alert message formatted to reconfigure the media player to provide the broadcast content to a user of the media player and other claimed steps are taught by Column 11, line 65 to Col. 12, line 25 and Figures 4 and 9. The cited text discloses a method for filtering out whether to accept or deny an incoming advertisement. As set forth in the cited portion of the specification, "[f]iltering application 218 filters incoming calls according to keywords entered by the user (as through input device 216) and stored in memory 210 or storage 212." Col. 12, lines 13-15. It should be noted that the filtering application 218, memory 210,

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and storage 212 are all housed within the mobile device 100. Moreover, [a]ccording to the results of filtering, a sensible indication regarding an incoming message may be provided to a user of mobile terminal 100." Col. 12, lines 15-18. Therefore, the advertisement received at the mobile device 100 is not formatted to reconfigure the media player to provide the broadcast content to a user of the media player, but rather the advertisement received at the mobile device is processed with user preferences stored on the mobile device to determine whether the advertisement should be displayed to the user.

The Applicant, therefore, respectfully requests reconsideration and withdrawal of the rejection in regards to Claim 8 and dependent claims with ultimately depend from claim 8 as well as those claims reciting the novel elements of those claims.


CONCLUSION

The Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner believe that a conversation with Applicant's representative would be useful in the prosecution of this case, the Examiner is invited and encouraged to call Applicant's representative.

Respectfully submitted,

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BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606-7407
Telephone: (312) 463-5000
Facsimile: (312) 463-5001


Shawn P. Gorman
Registration No. 56,197